

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
AT TRENTON**

In re:	:	Chapter 7
Robert Maxwell Simon and Stacey Helene Simon	:	CASE NO. 10-50052-KCF
Debtor.	:	
	:	Adv. Case No. 11-01223-KCF
Robert Maxwell Simon and Stacey Helene Simon,	:	
Plaintiffs,	:	
v.	:	
Weinstein & Riley, P.S. and FIA Card Services, N.A.,	:	
Defendants.	:	

**CERTIFICATION OF KENNETH S. JANNETTE
IN SUPPORT OF MOTION TO STRIKE**

I, Kenneth S. Jannette, Esq., certify under penalty of perjury that the following is true and correct:

1. I am an attorney duly licensed to practice law in the state of New Jersey and before this United States Bankruptcy Court. I am associated with the law firm Weinstein & Riley, P.S. ("W&R").

2. I am the attorney for W&R and FIA Card Services, N.A. ("FIA") (collectively, "Defendants") in this adversary proceeding. I am not a party to this proceeding.

3. I have personal knowledge of the facts as stated herein, except as to those facts stated upon information and belief, and as to those facts, I believe them to be true.

4. Federal Rule of Bankruptcy Procedure 9011(a) states, in pertinent part:

Every petition, pleading, written motion, and other paper... shall be signed by at least one attorney of record in the attorney's individual name. A party who is not represented by an attorney shall sign all papers. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken.

5. Federal Rule of Civil Procedure 10, made applicable in adversary proceedings by Federal Rule of Bankruptcy Procedure 7010, states:

Every pleading must have a caption with the court's name, a title, a file number, and a Rule 7(a) designation. The title of the complaint must name all the parties; the title of other pleadings, after naming the first party on each side, may refer generally to other parties.

6. Federal Rule of Civil Procedure 7, made applicable in adversary proceedings by Federal Rule of Bankruptcy Procedure 7007, states:

Only these pleadings are allowed: a complaint; an answer to a complaint; an answer to a counterclaim designated as a counterclaim; an answer to a crossclaim; a third-party complaint; an answer to a third-party complaint; and if the court orders one, a reply to an answer.

7. On March 9, 2010 a notice of appearance was filed in this adversary proceeding “by Jonathan Stone on behalf of Jonathan Stone” (the “Notice”). See Docket No. 8.

8. Jonathon Stone is not an attorney of record in this proceeding.

9. Jonathon Stone is not a party to this proceeding.

10. Upon information and belief, “Jonathon Stone” is not an “a/k/a,” alias or assumed name of Plaintiff Robert Maxwell Simon or Plaintiff Stacey Helene Simon.

11. The Notice does not set forth the caption of this adversary proceeding. For example, it does not contain the case number or the name of the first party on each side.

12. The Notice does not contain a Rule 7(a) designation, and does not appear to be a permitted form of pleading.

1 WHEREFORE, Plaintiff respectfully requests that this court issue an order striking the
2 Notice, and for such further relief as this court deems just and proper.

3 Dated: March 9, 2011

Respectfully Submitted,

6 /S/ Kenneth S. Jannette
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